

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JAYLEN DALAINO BELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:25-cv-00198

DAVID KYLE MOORE,

Defendant.

**MEMORANDUM OPINION AND ORDER**

On March 25, 2025, the Plaintiff, proceeding pro se, filed his Complaint (Document 1) in this matter. By *Administrative Order* (Document 2) entered on March 26, 2025, the action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On April 9, 2025, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 3) wherein it is recommended that Plaintiff's Complaint be dismissed with prejudice. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by April 28, 2025.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or

recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that Plaintiff's Complaint (Document 1) be **DISMISSED WITH PREJUDICE**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: May 6, 2025



IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA